

The Honorable Samuel J. Steiner
Chapter 13

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF WASHINGTON

**In re: ALAN J. DIOLATA
REGINA C. DIOLATA,

DEBTORS.**

CASE NO. 10-12650-SJS

ADV. PROC. NO. 10-01484-SJS

**ALAN J. DIOLATA
REGINA C. DIOLATA,**

Plaintiffs,

v.

**SALLIE MAE, INC.; AMERICAN
EDUCATION SERVICES, LLC, FIRST
MARBLEHEAD CORPORATION, GREAT
LAKES EDUCATIONAL LOAN SERVICES,
INC., CHASE AUTO FINANCE
CORPORATION, DEVRY UNIVERSITY,
EDUCATION MANAGEMENT
CORPORATION, CA STUDENT AID
COMMISSION, US DEPARTMENT OF
EDUCATION, BANK OF NEW YORK-
MELLON, USA FUNDS, INC., NATIONAL
STUDENT LOAN PROGRAM, AND
INTERNATIONAL ACADEMY OF DESIGN
AND TECHNOLOGY,**

Defendants,

**SALLIE MAE, INC.'S ANSWER TO
AMENDED COMPLAINT TO
DETERMINE DISCHARGEABILITY OF
EDUCATIONAL LOAN DEBTS**

1 Sallie Mae, Inc. ("Sallie Mae"), by and through its undersigned counsel, hereby provides
2
3 its Answer to the allegations of Plaintiffs' Complaint to Determine Dischargeability of
4 Educational Loan Debts, and states as follows:

5 **I. JURISDICTION AND VENUE**

6 1.1 Admitted.

7 1.2 Admitted.

8 1.3 Admitted.

9 1.4 Admitted.
10

11 **II. PARTIES**

12 2.1 Sallie Mae is without information or knowledge sufficient to form a belief as to
13 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
14 therefore, denies same.

15 2.2 Admitted.

16 2.3 Sallie Mae is without information or knowledge sufficient to form a belief as to
17 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
18 therefore, denies same.
19

20 2.4 Sallie Mae is without information or knowledge sufficient to form a belief as to
21 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
22 therefore, denies same.
23

24 2.5 Sallie Mae is without information or knowledge sufficient to form a belief as to
25 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
26

1 therefore, denies same.

2 2.6 Sallie Mae is without information or knowledge sufficient to form a belief as to
3 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
4 therefore, denies same.

5 2.7 Sallie Mae is without information or knowledge sufficient to form a belief as to
6 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
7 therefore, denies same.

8 2.8 Sallie Mae is without information or knowledge sufficient to form a belief as to
9 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
10 therefore, denies same.

11 2.9 Sallie Mae is without information or knowledge sufficient to form a belief as to
12 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
13 therefore, denies same.

14 2.10 Sallie Mae is without information or knowledge sufficient to form a belief as to
15 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
16 therefore, denies same.

17 2.11 Sallie Mae is without information or knowledge sufficient to form a belief as to
18 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
19 therefore, denies same.

20 2.12 Sallie Mae is without information or knowledge sufficient to form a belief as to
21 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
22 therefore, denies same.

2.13 Sallie Mae is without information or knowledge sufficient to form a belief as to the truth of the averments contained within this paragraph of Plaintiffs' Complaint and, therefore, denies same.

III. APPLICABLE LAW

3.1 Admitted.

IV. FACTS

4.1 Sallie Mae is without information or knowledge sufficient to form a belief as to the truth of the averments contained within this paragraph of Plaintiffs' Complaint and, therefore, denies same.

4.2 Denied as stated. By way of further response, Sallie Mae holds four (4) signature student loans and two (2) educational tuition answer loans against Plaintiff Alan J. Diolata disbursed on December 26, 2002, July 17, 2003, January 2, 2004, August 8, 2005, January 3, 2006, and December 11, 2007 in the amounts of \$8,000.00, \$8,000.00, \$10,000.00, \$10,000.00, \$44,444.44, and \$21,300.00, respectively, which had a total balance of \$148,403.73 as of the filing of this adversary proceeding.

4.3 Admitted that Plaintiff Regina C. Diolata applied for and incurred student loan obligations with Defendant Sallie Mae. By way of further response, Sallie Mae holds four (4) signature student loans against Plaintiff Regina C. Diolata disbursed on April 12, 2005, October 17, 2005, July 21, 2006, and April 17, 2007 in the amounts of \$13,045.00, \$10,745.00, \$4,940.00, and \$10,040.00, respectively, which had a total balance of \$82,727.50 as of the filing of this adversary proceeding. Sallie Mae is without information or knowledge sufficient to form a belief as to the truth of the rest of the averments contained within this paragraph of Plaintiffs'

1 Complaint and, therefore, denies same.

2 4.4 Sallie Mae is without information or knowledge sufficient to form a belief as to
3 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
4 therefore, denies same.

5 4.5 Sallie Mae is without information or knowledge sufficient to form a belief as to
6 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
7 therefore, denies same.

8 4.6 Sallie Mae is without information or knowledge sufficient to form a belief as to
9 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
10 therefore, denies same.

11 4.7 Sallie Mae is without information or knowledge sufficient to form a belief as to
12 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
13 therefore, denies same.

14 4.8 Sallie Mae is without information or knowledge sufficient to form a belief as to
15 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
16 therefore, denies same.

17 4.9 Sallie Mae is without information or knowledge sufficient to form a belief as to
18 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
19 therefore, denies same.

20 4.10 Sallie Mae is without information or knowledge sufficient to form a belief as to
21 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
22 therefore, denies same.

1 4.11 Sallie Mae is without information or knowledge sufficient to form a belief as to
2 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
3 therefore, denies same.

4 4.12 Sallie Mae is without information or knowledge sufficient to form a belief as to
5 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
6 therefore, denies same.

7 4.12(sic) Sallie Mae is without information or knowledge sufficient to form a belief
8 as to the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
9 therefore, denies same.
10

11 4.13 Admitted that the Debtors filed a Chapter 7 petition on March 10, 2010 in the
12 U.S. Bankruptcy Court for the Western District of Washington (Seattle). Denied as to the rest.

13 4.13(sic) Sallie Mae is without information or knowledge sufficient to form a belief
14 as to the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
15 therefore, denies same.
16

17 4.14 Sallie Mae is without information or knowledge sufficient to form a belief as to
18 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
19 therefore, denies same.

20 4.15 Sallie Mae is without information or knowledge sufficient to form a belief as to
21 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
22 therefore, denies same.
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2 **V. COUNT I: DICHARGEABILITY OF DEBT UNDER § 523(a)(8)(A)**

3 5.1 No response necessary.

4 5.2 Sallie Mae is without information or knowledge sufficient to form a belief as to
5 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
6 therefore, denies same.

7 5.3 Sallie Mae is without information or knowledge sufficient to form a belief as to
8 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
9 therefore, denies same.
10

11 5.4 Sallie Mae is without information or knowledge sufficient to form a belief as to
12 the truth of the averments contained within this paragraph of Plaintiffs' Complaint and,
13 therefore, denies same.

14 5.5 Denied.
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16 **VI. PRAYER FOR RELIEF**

17 6.1 Denied.

18 6.2 Denied.

19 6.3 Denied.
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AFFIRMATIVE DEFENSES

Ineffective Service of Process.

WHEREFORE, Sallie Mae, Inc. respectfully requests judgment in its favor and against Plaintiff and such other relief as is just and equitable.

Respectfully submitted

DATED: _____

By: /s/ Christine A. Ford
Christine A. Ford, WSBA #13972
Attorneys for Defendant